

03-07-06

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/738,417 )  
Title: Inert Tactical Weapons System and ) Art Unit 3641  
Method of Use. )  
Applicant: Ham, J. ) Examiner S. Johnson  
Filing Date: Dec. 17, 2003 )

**Response to Election Requirement of Feb. 16, 2006**

Now comes applicant and through his attorney, the undersigned, responds as follows to the above Election Requirement.

Applicant elects the Claims 10 – 19 in Group II with traverse.

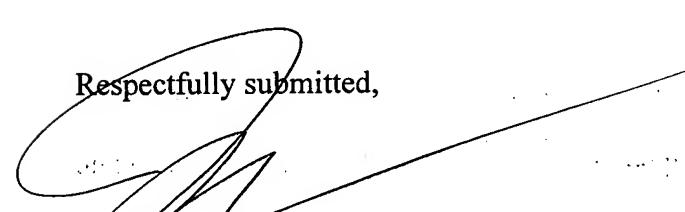
Applicant argues that this restriction requirement is not proper in that the case including all the claims can easily be searched by the Examiner. In fact, the Examiner does not even make any attempt to say that the search would involve any undue burden on him. There are only two subclasses to search and it is offered that this would be an easy search as neither subclass contains that much art.

Furthermore it is ridiculous to suggest that the system of claims 10 though 19 could be used in a “materially different process” than set forth in claims 1-9. What

possible process is the Examiner thinking of? The system will neutralize any living animal including humans. One certainly could not use it to vaccum out one's car, or clean the fungus off Aunt Milly's barn. The statement that the system could be used without calculating the amount of CO<sub>2</sub> is preposterous. For what use? To give folks a CO<sub>2</sub> high? It is suggested that the Examiner is misapplying the law in this situation and a thorough review is requested. It is now 27 months since the case was filed and applicant is entitled to an examination on the merits. Money is being spent for testing and development and Patent Office delays are hurting this process.

It is suggested that the Examiner get on with the Examination of the application and stop dredging up "nits" to slow down the process. The applicant has already had objections to something to do with "paragraphs" that the "legal examiner" could not define and dropped and the Examiner has raised objections to the form of amendments which were certainly clear enough. No wonder the Patent Office is a target of ridicule in the press these days. Where is the examination on the merits? Or is there any to be had without minor clerical picking?

Respectfully submitted,

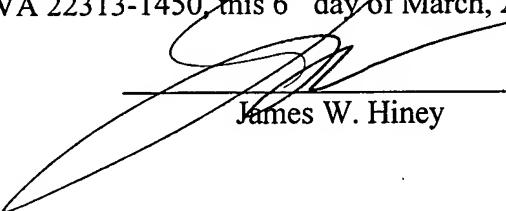


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### Certification of Mailing

I, James W. Hiney, do hereby certify that a signed copy of this response with enclosures was deposited, Express Mail Postage Prepaid, No. EQ 047681235 US, with the United States Postal Service, addressed to the Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, this 6<sup>th</sup> day of March, 2006.



James W. Hiney